

REMARKS

Applicants thank the Examiner for the very thorough consideration given the present application. Claims 1-18 and 20 are currently pending in this application. No new matter has been added by way of the present amendment.

In view of the amendments and remarks herein, Applicants respectfully request that the Examiner withdraw all outstanding rejections and allow the currently pending claims.

Issues Under 35 U.S.C. 103(a)

Sanders '040

Claims 1-3, 5-8, 10-18 and 20 stand rejected under 35 U.S.C. 103(a) as being obvious over Sanders et al. (U.S. 5,212,040) (hereinafter Sanders '040) "for the reasons set forth in the previous office action". Applicants respectfully traverse.

Applicants respectfully submit that the Examiner has failed to establish a *prima facie* case of obviousness. To establish a *prima facie* case of obviousness, the prior art reference (or references when combined) must teach or suggest all the claim limitations. *In re Vaeck*, 947 F.2d 488, 20 USPQ2d 1438 (Fed. Cir. 1991). Additionally, there must be a reason why one of ordinary skill in the art would modify the reference or combine reference teachings to obtain the invention. A patent composed of several elements is not proved obvious merely by demonstrating that each of its elements was, independently, known in the prior art. *KSR Int'l Co. v Teleflex Inc.*, 82 USPQ2d 1385 (U.S. 2007). There must be a reason that would have prompted a person of ordinary skill in the relevant field to combine the elements in the way the claimed new invention does. *Id.* The Supreme Court of the United States has recently held that the

"teaching, suggestion, motivation test" is a valid test for obviousness, albeit one which cannot be too rigidly applied. *Id.* Rejections on obviousness grounds cannot be sustained by mere conclusory statements; instead, there must be some articulated reasoning with some rational underpinning to support the legal conclusion of obviousness. *Id.*

Distinctions between the present invention and the teachings of Sanders '040 have been placed before the Examiner previously (see, for example, Response to Office Action filed on January 11, 2008). As previously noted, Sanders '040 is directed to a process that enables the use of carbonless papers in electrostatic imaging apparatuses while preventing premature rupture of the color microcapsules. The process comprises incorporating a recording sheet into an electrostatic imaging apparatus, wherein the recording sheet comprises a support on a surface of which are located microcapsules.

Sanders '040 does not teach or suggest a method for coloring a cellulose fiber or producing a colored cellulose fiber, wherein a carboxylic group is introduced into a cellulose fiber and the acid-modified cellulose fiber is subsequently treated with an aromatic derivative and a metal salt, and wherein the cellulose fiber is colored without the use of a dye. Sanders '040 does not color cellulose fibers, but rather adds color to paper by using a color former contained in a microcapsule (see Sanders '040 at col. 3, lines 66-68; column 4, lines 1-38). Thus, Sanders '040 does not color paper by means of a reaction between cellulose fibers with a specific compound, as presently claimed.

Moreover, Applicants submit that Sanders '040 does not teach or suggest the introduction of a carboxylic acid into a cellulose fiber. At page 9 of the Office Action issued on September

11, 2007, the Examiner asserted that "...the microcapsules would break firstly exposing the polyacrylate to the cellulose..." Applicants respectfully disagree.

The Examiner appears to believe that a carboxylic acid is introduced by the polyacrylate of Sanders '040. However, the Examiner's attention is directed to column 10, lines 22-26 of this reference, where it is disclosed that "[a]ny suitable photodegradable polymer can be employed for the outer coating. Examples include various copolymers, such as copolymers of monomers such as...acrylates, such as methyl acrylate, ethyl acrylate, or the like, alkylacrylates such as methyl methacrylate, ethyl methacrylate, methyl ethacrylate, ethyl ethacrylate, butyl methacrylate, or the like." Thus, even if the microcapsules of Sanders '040 "would break firstly exposing the polyacrylate to the cellulose" (as asserted by the Examiner), **a carboxylic group would not be introduced into the cellulose fiber** (emphasis added).

Clearly, the cited reference fails to teach or suggest each and every limitation of the present invention and thus fails to render the present invention obvious.

Accordingly, reconsideration and withdrawal of the present rejection are respectfully requested.

Pai '338

Claims 1, 3-6, 8-10 and 13-18 stand rejected under 35 U.S.C. 103(a) as being unpatentable over Pai '338. Applicants respectfully traverse.

The Examiner asserts that Pai '338 "teaches dying textiles cotton with basic dyes after the cotton has been treated with a sulfonic group containing stain resist agent." The Examiner further notes that Pai '338 teaches "exhausting the cottons with tannic acids and ferric salts". In response

to our previous arguments that Pai '338 utilizes a dye, the Examiner argues that "[t]he Myrolaban extract is not considered a dye but rather a source of the tannic acid colorant".

Applicants respectfully submit that the Examiner has failed to establish a *prima facie* case of obviousness. The Examiner appears to interpret the word "dye" in present claims 1 and 6 in a way such that Pai's Myrolaban extract does not fall under the category of "dyes". However, the disclosure of Pai '338 explicitly contradicts the Examiner's interpretation.

At column 2, lines 49-55, Pai '338 discloses that Myrolaban extract is a tannin. At column 1, lines 65-67, Pai '338 discloses that tannins are vegetable *dyes*. Thus, it follows that Myrolaban extract, which is a tannin, is a vegetable *dye*. Therefore, Pai '338 cannot possibly teach or suggest a method of coloring a cellulose fiber or producing a colored cellulose fiber without the use of a dye.

Moreover, Pai '338 further fails to teach or suggest that a carboxylic acid group is introduced into the cellulose fiber and the acid-modified cellulose fiber is subsequently treated with an aromatic derivative and a metal salt.

Because the cited reference fails to teach every limitation of the present invention, reconsideration and withdrawal of the present rejection are respectfully requested.

Conclusion

All of the stated grounds of rejection have been properly traversed, accommodated, or rendered moot. Applicants therefore respectfully request that the examiner reconsider all presently outstanding rejections and objections and that they be withdrawn. It is believed that a

full and complete response has been made to the outstanding office action and, as such, the present application is in condition for allowance.

Should there be any outstanding matters that need to be resolved in the present application, the Examiner is respectfully requested to contact Marc S. Weiner, Reg. No. 32,181 at the telephone number of the undersigned below, to conduct an interview in an effort to expedite prosecution in connection with the present application.

If necessary, the Commissioner is hereby authorized in this, concurrent, and future replies to charge payment or credit any overpayment to Deposit Account No. 02-2448 for any additional fees required under 37.C.F.R. §§1.16 or 1.147; particularly, extension of time fees.

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Respectfully submitted,

By _____
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for

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